

**REMARKS**

Applicants thank the Examiner for the careful attention accorded this Application and respectfully requests reconsideration in view of the Amendments set forth above and the remarks below.

The examiner has variously rejected the pending claims 41-67 and 83-89 under 35 USC § 103(a). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner has maintained his rejection of Claims 41 and 83, under 35 USC § 103(a) over McLaughlin et al. U.S. Patent No. 4,749,261 and Khan et al. U.S. Patent No. 6,172,720.

First, as previously stated in the Response submitted by Applicants on September 9, 2002, Applicants respectfully submit that there is no suggestion or motivation to combine the teachings of McLaughlin et al., which discloses privacy or solar control panels, with Khan, which discloses materials for liquid crystal displays, other than in Applicant's disclosure. More particularly, McLaughlin et al. discloses privacy or solar control panels based on polymer dispersed liquid crystal systems (PDLC). PDLC based

systems contain substantially solid liquid crystal materials, having polymeric material ranges greater than 10s of weight percent of the mixture, whereas PSCT is on the order of 1-5 weight percent polymer material.

Further, since PDLC technology is based on mismatching of the refractive indexes between the polymer bed ant the liquid crystal droplets (specification, page 9, lines 12-27), its operating principals are different from that of PSCT.

Additionally, since PDLC it is substantially a solid, whereas PSCT is substantially a liquid, the problems associated with scaling up the system are completely different – with PSCT, non-uniformity , streaking, and bubbles are issues to be dealt with, as disclosed in the present specification at page 11, line 24 – page 12, line 6. These problems are not dealt with for PDLC systems.

Accordingly, applicants respectfully submit that the teachings of McLaughlin are not properly combinable with those of Khan et al., which discloses PSCT materials.

Second, even if the references were properly combinable, Applicants respectfully submit that all of the limitations of claims 41 and 83 are not taught or suggested in the references. Particularly, claims 41 and 83, as amended are directed, in part, to:

“including a non-reactive blend of chiral liquid crystal and a monomer, the monomer lacking the mesogenic group of the general formula:



While the Examiner notes that Khan discloses a material having no liquid crystalline phase for the purpose of lowering viscosity of the material, a non-reactive blend as claimed is not taught or suggested. Therefore, it is respectfully submitted that

claims 41 (and 42-45 which depend from claim 41) and claim 83 are patentable over the cited art.

Claims 46, 51, 84 and 85 stand rejected under 35 USC § 103(a) over McLaughlin et al. U.S. Patent No. 4,749,261 in view of Tangney U.S. Patent No. 4,961,532. It is respectfully submitted that there is no suggestion or motivation to combine the teachings of McLaughlin, which discloses PDLC panels, as described above, with Tangney, which discloses materials for polymeric cosmetic carrier beads, and does not relate to or disclose use of the claimed materials including the monomers as liquid crystal materials for glazing structures.

Further, even if the references were properly combinable, Applicants respectfully submit that all of the limitations of claims 46, 51, 84 and 85 are not taught or suggested in the references. Particularly, claims 46, 51, 84 and 85, as amended are directed, in part, to "a non-reactive blend of chiral liquid crystal and a monomer...", which is not taught or suggested by McLaughlin or Tangney, alone or in combination.

Claims 56, 61, 86 and 87 stand rejected under 35 USC § 103(a) over McLaughlin et al. in view of Hakemi et al. U.S. Patent No. 6,049,366, Cole Jr. U.S. Patent No. 4,097,130 and Khan. It is respectfully submitted that there is no suggestion or motivation to combine the teachings of McLaughlin, which discloses privacy or solar control panels, with either Hakemi, which discloses flexible polymer stabilized liquid crystal devices or Cole Jr., which discloses an actuatable multi-colored display using liquid crystal material with polarizers, including dichroic dye. No polymer stabilized cholesteric texture is disclosed, as in the present claims 56, 61, 86 and 87.

Claims 62 and 88 stand rejected under 35 USC § 103(a) over McLaughlin et al. U.S. Patent No. 4,749,261 in view of Simoni et al. U.S. Patent No. 4,579,422. It is respectfully submitted that the combination of the referenced does not disclose the features of the claims, particularly as amended. The use of a surfactant in Simoni is for the purpose of facilitating the mechanical rubbing step in a polarizer based liquid crystal device. In contrast, a surfactant is used in the invention of claims 62, 88, as amended, for enhancing panel uniformity and decreasing flow streaks (specification, page 24, 4<sup>th</sup> paragraph).

Claims 67 and 89 stand rejected under 35 USC § 103(a) over McLaughlin et al. U.S. Patent No. 4,749,261 in view of Simoni et al. U.S. Patent No. 4,579,422 and Herb et al. U.S. Patent No. 6,022,547. First, the differences pointed out above with regard to Simoni obviate this rejection. Further, it is respectfully submitted that there is no suggestion or motivation to combine the teachings of McLaughlin, which discloses PDLC based privacy or solar control panels, Simoni, which discloses continuously rotatable polarizing devices, and Herb, which discloses water-in-oil emulsions.


Claims 45, 50, 55 and 66, stand rejected under 35 USC § 103(a) over McLaughlin and Khan, Tangey, Hakemi Cole, Jr. and Simoni as applied to claims 41, 46, 51, 56 and 62, further in view of Hashemi et al. 5,667,897. However, each of these claims are dependent claims, the parent claims of which have been addressed above.

Claims 42-44, 47-89, 52-54, 57-59 and 63-65 stand rejected under 35 USC § 103(a) over McLaughlin and Khan, Tangney, Hakemi, Cole Jr. and Simoni as applied to claims 41, 46, 51, 56 and 62 further in view of Doane et al. U.S. Patent No. 5,691,785.

However, each of these claims are dependent claims, the parent claims of which have been addressed above.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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